

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) Case No. 10-3029-01-CR-S-GAF
)
 WESLEY PAUL COONCE, JR.,)
)
 Defendant.)

¹ On page 4 of the Report and Recommendation (Doc. #513), in the fourth line of the first paragraph, there is a typographical error. The sentence states, in part: . . . the Government contends that Hall The Court recognizes that this is a typographical error and it should have read . . . the Government contends that Coonce. . .

Minimum Constitutional Requirements Set Forth in *Furman v. Georgia* and Its Progeny, (Doc. 386) is DENIED.

(2) Defendant Coonce's Motion to Dismiss the "Special Finding" From the Superseding Indictment, and to Strike the Notice of Intent to Seek the Death Penalty, (Doc. 389) is DENIED.

(3) Defendant's Motion to Dismiss and Strike the Future Dangerousness Non-Statutory Aggravating Factor and to Exclude Evidence In Support Thereof, and Request a Hearing, (Doc. 390) is DENIED.

(4) Defendant's Amended Motion to Preclude the Use of the Non-Statutory Aggravating Factor of Future Dangerousness Based on Numerous Post-*Jurek* Studies Establishing That As It Is So Unreliable, Speculative, Arbitrary, and Inaccurate ("Chance-Level Performance" of Capital Juries in Predicting the Future Dangerousness of Capital Defendants) as to Render It Unconstitutional On Its Face and as Applied to Defendant Wesley Paul Coonce, Jr., (Doc. 406) is DENIED.

(5) Motion, with Incorporated Memorandum To Strike the Notice of Aggravating Factors (Doc. 391) is DENIED.

s/ Gary A. Fenner
GARY A. FENNER, JUDGE
UNITED STATES DISTRICT COURT

DATED: March 14, 2014